

Refugees and Jewish Sources

This set of sources is primarily a collection made by Rabbi Sylvia Rothschild, to which Rabbi Richard Jacobi has made a few additions. This is by no means an exhaustive collection and we would welcome suggested additions, particularly to the section on Prophets and Writings. A small number have notes added to them indicating connections to specific Jewish Holidays.

Torah

“And the Lord God made for Adam and for his wife garments of skins, and clothed them. And the Lord God said ‘Behold, the man is become as one of us, to know good and evil; and now, lest he put forth his hand and take also of the tree of life, and eat, and live forever’. Therefore the Lord God sent him forth from the garden of Eden to till the ground from where he was taken. So He drove out the man; and he placed at the east of the garden of Eden the cherubim and the flaming sword which turned every way, to keep the way to the tree of life” **(Gen. 3:21-24)**

“And he said ‘I know nothing, am I my brother’s keeper?’ And God said ‘What have you done? the voice of your brother’s blood cries to me from the ground. And now you are cursed from the ground, who has opened her mouth to receive your brother’s blood from your hand. When you till the ground, it shall not now give to you her strength, a fugitive and a wanderer shall you be in the earth’. And Cain said ‘my punishment is greater than I can bear...I shall be a fugitive and a wanderer...and it will come to pass that whoever finds me shall slay me.’ And the Lord said to him....Therefore whoever slays Cain, vengeance shall be taken on him sevenfold’ and the Lord set a sign for Cain, lest any finding him should smite him..” **(Gen. 4:10 - 15)**

“Now the Lord said to Abram: ‘Get you out of your country and from your kindred, and from your father’s house, to the land that I will show you. And I will make of you a great nation, and I will bless you, and may your name great, and be you a blessing. And I will bless them that bless you, and the one that curses you shall I curse, and in you shall all the families of the earth be blessed’. So Abram went, as the Lord had spoken to him, and Lot went with him.....”**(Gen. 12:1-5)**

“Now Sarai, Abram’s wife, bore him no children, and she had an Egyptian handmaid whose name was Hagar. And Sarai said to Abram “Behold, the Lord has restrained me from bearing. Go in I pray thee to my handmaid, it may be that I shall be builded up through her. And Abram hearkened to the voice of Sarai, and Sarai, Abram’s wife, took Hagar the Egyptian her handmaid, after Abram had dwelt ten years in the Land of Canaan, and gave her to Abram her husband, to be his wife. And he went into Hagar and she conceived, and when she saw that she had conceived, her mistress was despised in her eyes..... and Sarai dealt harshly with her and she fled. **(Gen. 16:1-6)**

.....”And the Lord remembered Sarah as He had said, ..and Sarah conceived and bore Abraham a son in his old age....And the child grew and was weaned. And Abraham made a great feast on the day that Isaac was weaned. And Sarah saw the son of Hagar, the Egyptian, whom she had borne unto Abraham, making sport. Wherefore she said to Abraham, ‘Cast out this bondwoman and her son; for the son of this bondwoman will not be heir with my son, with my son Isaac” **(Gen. 21:1-11)** NB **Torah Rosh Hashanah morning**

“And Abraham rose up from before his dead, and spoke to the Children Of Heth, saying: ‘I am a stranger and a sojourner with you (*Ger v'toshav anochi*), give me possession of a burying place with you, that I may bury my dead out of my sight” **(Gen. 23:3-4)**

“And you shall not wrong a stranger (*Ger*), nor shall you oppress him. For you were strangers in the land of Egypt” **(Exodus 22:20)**
‘You shall not wrong him - with words. You shall not oppress him - in money matters’ (Mechilta)

“And a stranger (*Ger*) shall you not oppress, for you know the heart of a stranger, seeing you were strangers in the land of Egypt.**(Exodus 23:9)**

“And if a stranger (*Ger*) sojourn with you in your land, you shall not do him wrong. The stranger that sojourns with you shall be to you as the home born among you, and you shall love him as yourself; for you were strangers in the land of Egypt. I am the Lord your God. **(Lev. 19:33-34)** NB **Torah Yom Kippur Afternoon in some communities**

“As for the congregation, there shall be one statute both for you and for the stranger that sojourns with you, a statute forever throughout your generations; as you are, so shall the stranger be before the lord. One law and one ordinance shall be both for you and for the stranger that sojourns with you” **(Num. 15:15-16)**

“And I charged your judges at that time saying, ‘Hear the causes between your brethren and judge righteously between a man and his brother and the stranger that is with him” **(Deut 1:16)**

Do not deprive the foreigner or the fatherless of justice, or take the cloak of the widow as a pledge. Remember that you were slaves in Egypt and the Lord your God redeemed you from there. That is why I command you to do this. When you are harvesting in your field and you overlook a sheaf, do not go back to get it. Leave it for the foreigner, the fatherless and the widow, so that the Lord your God may bless you in all the work of your hands. When you beat the olives from your trees, do not go over the branches a second time. Leave what remains for the foreigner, the fatherless and the widow. When you harvest the grapes in your vineyard, do not go over the vines again. Leave what remains for the foreigner, the fatherless and the widow. Remember that you were slaves in Egypt. That is why I command you to do this. **(Deut. 24:17 – 22)**

Then you shall declare before the Lord your God: “My father was a wandering Aramean, and he went down into Egypt with a few people and lived there and became a great nation, powerful and numerous. But the Egyptians mistreated us and made us suffer, subjecting us to harsh labor. Then we cried out to the Lord, the God of our ancestors, and the Lord heard our voice and saw our misery, toil and oppression. So the Lord brought us out of Egypt with a mighty hand and an outstretched arm, with great terror and with signs and wonders. **(Deut. 26:5 – 8)** NB This text from parshat Ki Tavo is used in the Pesach Seder

Prophets and Writings

“Is not this the fast I look for: to release the shackles of injustice, to undo the fetters of bondage, to let the oppressed to free, and to break every cruel chain? Is it not to share your bread with the hungry, and to bring the homeless poor into your house? When you see the naked, to clothe them...” **(Isaiah 58:6-7)** NB Haftarah on Yom Kippur morning

But God said to Jonah, “Is it right for you to be angry about the plant?” “It is,” he said. “And I’m so angry I wish I were dead.” But the Eternal One said, “You have been concerned about this plant, though you did not tend it or make it grow. It sprang up overnight and died overnight. **11** And should I not have concern for the great city of Nineveh, in which there are more than a hundred and twenty thousand people who cannot tell their right hand from their left—and also many animals?” **(Jonah 4:9 – 10)** NB Haftarah on Yom Kippur afternoon

Mishnah and Talmud

Biblical tradition speaks of the '*ger*' the stranger who sojourns among the Israelites and who is not required to adopt the Jewish faith. Later Jewish tradition distinguishes between the '*ger toshav*', the resident stranger (i.e. the non-Jewish resident of Palestine who observes the 7 Noahide laws, and the '*ger tzedek*', who becomes a full proselyte)

“Humankind was created through Adam alone, to teach that whoever destroys a single human life is regarded as though he destroyed an entire world, and whoever saves a single human life is as though he saved an entire world.

The human race began with a single individual for the sake of peace among all people, so that no one might say ‘My ancestor is greater than yours’.....Moreover, the creation of humanity through one ancestor proclaims the greatness of the Holy One, blessed be He. For a human mint-master strikes off many coins from a single mould, and they are all identical. But the King of Kings, the Holy One Blessed be He, stamps each one in the mould of Adam, and yet no one is identical with his fellow. **(M. Sanhedrin 4:5)**

“Our rabbis taught: The one who wounds the feelings of the *ger* transgresses three negative injunctions, and the one who oppresses him infringes two.....‘*Thou shalt not wrong a stranger*’ (Ex 22:20). ‘*And if a stranger sojourns with you in your land you shall not wrong him*’ (Lev. 19:33). *And you shall not therefore wrong each his fellow*’ (Lev 25:17) a *ger* being included in ‘fellow’. ‘*And you shall not oppress him*’ (Ex 22:20) ‘*Also you shall not oppress a stranger*’ (Ex. 23:9)..... **(B.T.Baba Metziah 59b)**

It has been taught : Rabbi Eliezer the Great said ‘Why did the Torah warn against the wronging of the *Ger* in thirty six, or as others say, in 46 places? Because he has a strong inclination to evil. What is the meaning of the verse “You shall neither wrong a stranger nor oppress him, for you were strangers in the Land of Egypt”? It has been taught: Rabbi Nathan said “Do not taunt you neighbour with the blemish you yourself have.” **(B.T. Baba Metziah 59b)**

On the duty to act kindly:

R. Simlai expounded: Torah begins with an act of gemilut chasadim and ends with an act of gemilut chasadim. It begins with an act of benevolence, for it is written: “And God made garments of skin for Adam his wife, and clothed them”; and it ends with an act of benevolence, for it is written: “And God buried him in the valley.” **(B. Talmud, Sota 14a)**

The following are the things for which no definite quantity is prescribed: the corners [of the field for the poor and the stranger to gather]. First fruits, [the offerings brought] on appearing [before God at the three Pilgrim Festivals]. The practice of gemilut chasadim (more than mere charity and denoting personal service to all people of all classes), and the study of the Torah. **(Mishnah Pe’ah 1:1)**

Later Commentators

Rashi looks at Ex.22:20, and Ex.23:9 and sees two different reasons why not to wrong the stranger.

“If you wrong him he can wrong you back, and say to you: You also come from strangers. Do not reproach your fellow with a fault that is also yours. Wherever the word Ger appears in scripture, it signifies a person who has not been born in that land, but has come from another country to sojourn there”
(on Ex22:20)

“for you know the soul of a stranger - how hard it is for him when people oppress him” **(on Ex 23:9)**

In the second passage the prohibition against oppression is motivated by an appeal to the historical memory of the nation (which we relive each day in the Shema). This is reinforced by the root L.H.TZ (pressure/squeeze/oppress) which is found in the description of the oppression of the Hebrews in Egypt (Ex. 3:9), and then does not recur until this text dealing with the stranger - linking with the verbal root L.H.TZ the oppression suffered by us in Egypt with the oppression suffered by the Ger in our land.

But just because you underwent the same experience of mistreatment and oppression, it does not follow that you will not oppress the stranger when you have the chance - if anything the opposite is likely to happen. Hence the 36 (or 33 or 46) mentions in Torah not to do it (more than commandments such as shabbat etc.)

So Rashi adds the first motivation against oppression - the appeal to selfish survival is likely to be powerful when the appeal to ‘put yourself into their shoes’ fails.

Ramban notes (on 22:20) *“The reason why you oppress him is because he has no - one to save him from your hand”* - i.e. it is precisely because a person feels powerful in relation to another individual that he is likely to oppress him.

He continues *“but in reality, he will be helped more than any other man”* i.e. The Torah is warning Israel to remember their own historical experience as the most vulnerable group in Egypt, who, just when they were apparently without anyone to save them, were saved by God. So too will the defenseless ‘ger’ be defended.

Other related topics

Suffering Idolaters to live in our land: ‘by this prohibition we are forbidden to suffer idolaters to dwell in our land, so that we may not learn their heresy. It is contained in His words ‘they shall not dwell in your land - lest they make thee sin against Me’ (Ex23:33) Should an idolater desire to stay in our land, we may not permit him to do so unless he forswears idolatry; in which case it is permissible for him to become a resident. Such a one is known as a *ger toshav*, (resident alien or proselyte), which means that he is a proselyte only in the sense that he is allowed to dwell in our land. Thus the Sages say ‘Who is a *ger toshav*?’ According to R. Judah, one who forswears idolatry. (**Av.Zara 64b**).

‘A worshipper of idols, however, may not dwell among us; neither are we to sell him an estate or rent him [land or houses] ‘*lo techonem*’ is expressly interpreted to mean ‘you shall not grant them a settlement in the land’. (Av Zara 20a) (Maimonides: The Commandments - negative commandment 51)

note: According to Maimonides, we may not suffer an idolater to dwell in our land even as a temporary resident, ‘or even as a traveller, journeying with merchandise from place to place’ till he has undertaken to forswear idolatry. The Rabad(12thC Posquiere) however disputes this interpretation of the Commandment, and holds that it only applies to the seven nations, and only where permanent residence is contemplated.(Charles B.Chavel ad loc)

Handing over a fugitive bondman: ‘By this prohibition we are forbidden to deliver up to his master a [foreign] bondman who has fled for refuge to the Land of Israel. Even though his master be an Israelite, since he has fled from abroad into the Land, he is not to be delivered up to him, but [his master] must liberate him, receiving from him a note of indebtedness for his value.... In no circumstances is [the bondman] to return to his serfdom, seeing that he has come to dwell in the clean land... (for more information see Gittin 45a) (Maimonides negative commandment no 254)

From Sefer HaHinuch, in explanation of the precept “*Thou shalt not oppress the stranger*”: This precept applies at all times and places both to males and females, and whoever transgresses it and causes suffering to strangers, or neglects to save them or their property, or makes light of them, on account of their being strangers and helpless, has thereby abrogated this positive precept. Their punishment is severe indeed, since the Torah contains many such admonitions.

We should learn from this valuable precept to show compassion to any man not in his home town, far from his friends, just as we observe that the Torah admonishes us to show compassion to all in need. Through these moral

qualities we shall merit the compassion of the Lord. The text motivates the precept stating that: 'you were strangers in the land of Egypt'. It reminds us that we had already experienced the great suffering that one strange in a foreign land feels. By picturing to ourselves the pain involved which we ourselves had already undergone, from which God, in His mercy, delivered us, our compassion will be stirred up towards every man in his plight. (***Sefer HaHinuch. Ascribed to Rabbi Aaron HaLevi of Barcelona, c1532***)

"This law, of shielding the alien from all wrong, is of vital significance in the history of religion. With it alone, true Religion begins. The alien was to be protected, not because he was a member of one's family, clan, religious community or people, but because he was a human being. *In the alien therefore, man discovered the idea of humanity*' (***Hermann Cohen, quoted in Hertz Chumash on Ex 22:20***)

"Widows and orphans were prototypes of the native-born with whom fate had dealt harshly, and who were likely to need particular protection in order to survive. Both appear in the same combination in Near Eastern languages and laws, so that in this respect the Torah legislation was not in itself new.

What was new, and unique to the Torah, was the addition of the stranger to the list of the protected. All Israel had suffered the fate of strangers in Egypt, and thereafter 'stranger, widow and orphan' together became the touchstone of biblical justice. In addition, their protection was raised to a divinely supported principle, with God himself made its guarantor. He is the One to whom the weak may appeal, and He will assist them in their plight, for His very nature is suffused with love and concern for them. The traditional prayer book speaks of God as the One who lifts up the down trodden and helps the poor....

In modern times the principle of society's responsibility for the weak has been both expanded (by social legislation), and called into basic question (by Nietzschean and Nazi philosophies, or by application of triage to the starving). The Torah and subsequent Jewish tradition are insistent on the scrupulous observance of the principle, and Jews considered themselves above all as merciful children of a merciful God.

The stranger (*ger*) is mentioned 33 times in Torah, and the rest of the bible further supports the need for treating him kindly. *Ger* was the term applied to the resident non-Israelite, who could no longer count on the protection of his erstwhile tribe or society. This was not so with *nochri* and *zar*, the foreigners who abode in Israel, and who had not abandoned their own protective background. The *ger* was to be given every consideration and care must be taken that not only his rights but his feelings as well were safeguarded. He must never be shamed, much like a debtor with whom the laws immediately following deal.....

Again and again, the Israelites were reminded that they themselves had been strangers in Egypt. Even as God had then heard the cry of the oppressed, so would He hear the cry of the weak at any time. This was also a potent reminder that Israel remained dependent on God. Compassion is part of God's nature, and must therefore be carefully nurtured by God's children in their own lives" **(W.Gunther Plaut)**

On Sukkot, the end of the Days of Repentance, the Torah advises us to accept the exile and to consider all the world as void, as a shadow. Therefore we are told to leave permanent dwellings for a temporary one, to teach that we are strangers on the earth, without permanence, and that our days are like a shadow lasting a night, blown away by a wind... but a man who fears the word of the Sovereign of the universe will have a sukkah not only during the festival of Sukkot. During the whole year, everything for him will be a temporary dwelling, and he will sleep in the shadow of the sukkah and leave his permanent dwelling" **(Rabbi Jonathan Eibeschutz 1690-1764, qu. Machzor p.774)**

There is another connection between the ushpizin and sukkot. All of the ushpizin were wanderers or exiles. Abraham left his father's house to go to Israel, all three patriarchs wandered in the land of Canaan, dealing with the rulers from a position of disadvantage; Jacob fled to Laban; Joseph was exiled from his family; Moses fled Egypt for Midian and later, together with Aaron, led the people for forty years wandering in the desert; and David fled from Saul. The theme of wandering and homelessness symbolised by the temporariness of the sukkah is reflected in the lives of the ushpizin. **(Michael Strassfeld)**

When a stranger came to the Shtetl, he would seek hospitality at the shul with the words "z'chei vee' - gain for yourself the merit of performing the mitzvah of giving hospitality. **(Shmuel Sperber)**

Succot reminds us that Israel has a special task in the world, one that is intimately tied to the fate of all other people. It becomes the most universalistic of our festivals, which reflects a prophetic view - 'Then everyone that survives of all the nations that have come against Jerusalem shall go up year after year to worship the Sovereign, the God of all creation, and to celebrate the festival of Succot' **(Zecharia 14:16)**

On this, the most universal of our festivals, may we always remember that as Israel we are a part of all humanity, that we are not alone on our journey or in our task. Like all human beings we are strangers on this earth, seeking shelter and sustenance, purpose and love. **(J.Magonet)**

In the words of the prophet Malachi, 'From the rising of the sun to its setting My name is great among the nations, in every place incense is offered to My

name, and a pure offering; for My name is great among the nations, says the Eternal of Hosts' (Malachi 1:11) It seems to me that the prophet proclaims that people all over the world, though they confess different conceptions of God, are really worshipping One God, the Creator of all people, though they may not even be aware of it.

What will save us? God, and our faith in our relevance to God.

This is the agony of history: bigotry, the failure to respect each other's commitment, each other's faith. We must insist upon loyalty to the unique and holy treasures of our own tradition and at the same time acknowledge that in this aeon religious diversity may be the providence of God.

Respect for each other's commitment, respect for each other's faith, is more than a political and social imperative. It is born of the thought that God is greater than religion, that faith is deeper than dogma....

(Abraham Joshua Heschel)

Notes on the biblical texts

There is real ambivalence to be found in our texts about the 'resident stranger':

The first refugee in the bible - Adam and Eve, thrown out of Eden for assimilating too well? They are given food and clothes before being decreed against. Note the lack of a completed sentence in God's reasoning.

Second refugee - Cain - exiled as a punishment for his action against his brother. Yet he is also protected from the lynch mob. The punishment is bounded and contained.

Third refugee- Abram and co, leaving their land - religious and ?economic refugees. Certainly Lot uses it for economic purposes.

Fourth refugee - Hagar - for despising her mistress, and to prevent Ishmael inheriting with Isaac. - echoes of the garden of Eden - the 'despising' of the authority of God and the breaching of boundaries between the 'legitimate' and the 'illegitimate'

Real ambivalence in our traditional stories - we are as suspicious of the refugee as anyone else. Even our word - ger - contains the idea of disruption and change. Could be irratant, could be creative tension.

BUT we have the texts to tell us - watch this attitude, because defenceless people must be defended.

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Roots to tangle with!

1. (Gur) To Sojourn (for a definite or an indefinite time)
To Dwell as a newcomer (without original/inherited rights)

(Ger) Sojourner. temporary dweller, newcomer. opp. of
'homeborn'
2. (Gur) To stir up strife, to quarrel, attack, excite.
3. (G.r.h) To stir up strife, to engage in strife
4. (G.r.r) To drag, to drag away.
(hitpolel - a roaring whirlwind)
n. a weight - 1/20th a shekel
5. (Na) To move to and fro, to be agitated, to be shaken/show
grief.

To wander about,
To agitate, shake, disturb,
To change, vary
To tremble.
6. (Nad) To move, to be agitated, to be shaken, to show grief
To be driven about, to wander as a fugitive.
To remove, depart, flee.
7. (Nad) To retreat, flee, depart, stray, wander, flutter
To be put away (related to niddah)
To exclude
8. (Palat) To escape (modern heb. for refugee)
- 9 (K.l.t) To take up, in harbour - (refuge, asylum)